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September 8, 2022

VIA ECF

Hon. Analisa Torres
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

SEC v. Ripple Labs Inc., et al., No. 20-cv-10832-AT-SN (S.D.N.Y.)

Dear Judge Torres:

On behalf of Plaintiff Securities and Exchange Commission (“SEC”) and Defendants Ripple Labs Inc., Bradley Garlinghouse, and Christian A. Larsen (collectively, the “Parties”), we respectfully seek the Court’s approval of the following joint proposal to govern sealing issues relating to the upcoming summary judgment motions to be filed in this case.¹ The proposal will ensure prompt, public access to the Parties’ briefs (as to which any proposed redactions are anticipated to be minimal), which is consistent with the “strong presumption” of public access. *See Brown v. Maxwell*, 929 F.3d 41, 47 (2d Cir. 2019).² As for Rule 56.1 statements, counter-statements, declarations, and corresponding exhibits, for efficiency we propose a schedule for redactions soon after the reply briefs are filed, so that all sealing issues can be raised to the Court in one set of briefs instead of piecemeal, and to allow sufficient time for the Parties to meet and confer:

Sept. 13, 2022. Parties file all materials relating to summary judgment motions temporarily under seal, including briefs, Rule 56.1 statements, and supporting exhibits.

Sept. 15, 2022. Parties meet and confer to identify redactions sought by each side to the briefs in support of the summary judgment motions.

¹ Under the schedule set by the Court, opening motions are due on September 13, 2022, oppositions are due on October 18, 2022, and replies are due on November 15, 2022.

² Defendants also note that promptly filing public versions of the summary judgment briefs is important to the at least two sets of *amici* (see ECF Nos. 324, 372) who will need access to the Parties’ legal briefs in order to propose their own *amici* filings to the Court.

September 19, 2022. Parties file public, redacted versions of briefs in support of the summary judgment motions, making only those provisional redactions requested by the Parties during the meet and confer.

October 18, 2022. Parties file all materials relating to oppositions to summary judgment motions temporarily under seal, including briefs, Rule 56.1 counter-statements, and supporting exhibits.

October 20, 2022. Parties meet and confer to identify redactions sought by each side to the opposition briefs.

October 24, 2022. Parties file public, redacted versions of the opposition briefs, making only those provisional redactions requested by the Parties during the meet and confer.

November 15, 2022. Parties file summary judgment reply briefs temporarily under seal.

November 17, 2022. Parties meet and confer to identify redactions sought by each side to the reply briefs.

November 21, 2022. Parties file public, redacted versions of reply briefs, making only those provisional redactions requested by the Parties during the meet and confer.

December 9, 2022. Parties file omnibus motions to seal all materials relating to the summary judgment motions, including briefs, Rule 56.1 statements and counter-statements, declarations, and supporting exhibits. Parties also file proposed redactions to such materials.

December 22, 2022. Parties file oppositions to omnibus motions to seal.

Under the joint proposal, the Parties would further be required to file public, redacted versions of all documents within 21 days of the Court's rulings on the omnibus sealing motions.

Finally, in the event the Court rules on the pending motions to seal the Parties' *Daubert* filings (*see* ECF Nos. 561, 565, 601, 603), and to the extent any such ruling indicates the Parties' proposed summary judgment redactions should be revised, the Parties would agree to file revised public versions of the summary judgment briefs consistent with that ruling within seven (7) days.

Respectfully submitted,

/s/ Andrew J. Ceresney

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cc: All Counsel of Record (via ECF)